

**IN THE UNITED STATES BANKRUPTCY COURT**  
**FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

Tammy J. Carlini,

Debtor

Ronda J. Winnecour,

Movant

PNC Bank, National Association,

Respondent.

Case No. 14-22187-JAD

Chapter 13

Related to Documents 91, 94

**STIPULATION AND ORDER AS TO TRUSTEE'S OBJECTION TO NOTICE OF**  
**MORTGAGE PAYMENT CHANGE CLAIM # 4**

AND NOW, come the undersigned parties, by and through their respective counsel,  
and enter into the following Stipulation:

WHEREAS, Respondent, PNC Bank, National Association, and Debtor entered into a  
Loan Modification Agreement on May 15, 2015; and

WHEREAS, the Court approved the Loan Modification Agreement by order entered  
June 23, 2015 (doc. 61); and

WHEREAS, since July 2015, the Chapter 13 Trustee has been making monthly  
disbursements to Respondent in the amount of \$359.67; and

WHEREAS, the Loan Modification Agreement provides, inter alia, that:

4. Borrower also will comply with all other covenants, agreements, and requirements of the Security Instrument, including without limitation, Borrower's covenants and agreements to make all payments of taxes, insurance premiums, assessments, escrow items, impounds, and all other payments that Borrower is obligated to make under the Security Instrument; ...

WHEREAS, on November 4, 2016 Respondent filed a Notice of Mortgage Payment  
Change; and

WHEREAS, the Chapter 13 Trustee filed an Objection to the Notice of Mortgage Payment Change (doc. 91); and

WHEREAS, Respondent has filed a Response to the Objection (doc. 94);

It is therefore Stipulated and agreed by the undersigned parties as follows:

1. The monthly mortgage payment due Respondent from July 2015 through September 2017 is \$359.67, which payment consists of principal and interest in the amount of \$280.71 and escrow in the amount of \$78.96.
2. The payments from August 2015 through September 2017 will have resulted in an escrow shortage in the amount of \$639.64, as follows:
  - a. August 2015-September 2015: actual tax and insurance is \$93.57 per month, a combined difference of \$29.22 ( $\$93.57 - \$78.96 = \$14.61 \times 2$ );
  - b. October 2015-November 2016: actual tax and insurance is \$98.09 per month, a combined difference of \$267.82 ( $\$98.09 - \$78.96 = \$19.13 \times 14$ );
  - c. December 2016-September 2017: actual tax and insurance is \$113.22 per month, a combined difference of \$342.60 ( $\$113.22 - \$78.96 = \$34.26 \times 10$ ).
3. The escrow shortage from August 2015 through September 2017 shall be borne solely by Respondent; Respondent shall credit the Debtor's escrow account in the amount of \$639.64, and that amount will not be attributable to the Debtor.
4. From October 2017 forward, all escrow payments shall be based on actual annualized amounts of taxes and insurance, and shall not include shortages from any date prior to October 2017.
5. Beginning with the payment due October 2017, the monthly mortgage payment will be \$376.10 (\$280.71 P&I, \$95.39 escrow), the \$95.39 escrow payment being based on the actual

annual escrow assessments of county taxes of \$109.86, city taxes of \$331.79, and hazard insurance of \$703.00.

6. The parties recognize that if the amounts of annual taxes and/or insurance increase subsequent to 2017, Respondent may be entitled to submit subsequent Notices of Mortgage Payment Change that reflect the higher annualized escrow amounts, plus any shortage incurred for amounts advanced in October 2017 and beyond.

7. Respondent's Notice of Mortgage Payment change filed November 4, 2016 is hereby withdrawn.

8. The Chapter 13 Trustee's Objection filed July 24, 2017 (doc. 91) is hereby withdrawn.

9. Respondent is prohibited from adding any fees or other charges to the Debtor's account in connection with the filing of its Response, for entering into this Stipulation, or for attending any hearing in this matter.

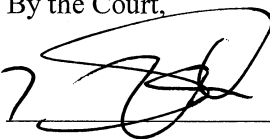
Consented to by:

/s/ Jana S. Pail, Esquire  
Jana S. Pail, Esquire  
Attorney for Chapter 13 Trustee  
US Steel Tower-Suite 3250  
Pittsburgh, PA 15219  
412-471-5566  
[jpail@Chapter13trusteewdpa.com](mailto:jpail@Chapter13trusteewdpa.com)

/s/ James C. Warmbrodt, Esquire  
James C. Warmbrodt, Esquire  
Attorney for Respondent  
KML Law Group, P.C.  
701 Market Street, Suite 5000  
Philadelphia, PA 19106  
Phone: 215-627-1322  
[jwarmbrodt@kmlawgroup.com](mailto:jwarmbrodt@kmlawgroup.com)

It is hereby ORDERED that the parties' Stipulation be and hereby is APPROVED.

By the Court,

8.22.2017  J.

FILED  
8/22/17 4:10 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
Western District of Pennsylvania

In re:  
Tammy J. Carlini  
Debtor

Case No. 14-22187-JAD  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: mgut  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Aug 22, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 24, 2017.

db Tammy J. Carlini, 401 Johnston Avenue, Pittsburgh, PA 15207-1744

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 24, 2017

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 22, 2017 at the address(es) listed below:

Albert G. Reese, Jr. on behalf of Debtor Tammy J. Carlini areese8897@aol.com,  
agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com  
James Warmbrodt on behalf of Creditor PNC Bank, National Association bkgroup@kmlawgroup.com  
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,  
cnoroski@grblaw.com  
Louis P. Vitti on behalf of Creditor PNC Bank, National Association tiffany@vitttilaw.com,  
louispvitti@vitttilaw.com;Jennifer@vitttilaw.com;loismvitti@vitttilaw.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7